STATE OF NEW YORK

4018

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting fees or surcharges with accepted forms of payment; and to repeal section 518 of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 392-k to read as follows:

§ 392-k. Accepted form of payment; prohibited practices. 1. For the purposes of this section, "differential pricing" shall mean the practice of charging customers different prices for the same product.

2. No person, firm, partnership, association or corporation who is engaged in a sales transaction may employ differential pricing based on a consumer's form of payment which the seller accepts as payment for goods or services including, but not limited to, imposing a fee or surcharge for using or processing an accepted form of payment.

3. A knowing violation of this section shall be punishable by a fine not to exceed one thousand dollars.

§ 2. Section 518 of the general business law is REPEALED.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08585-01-1